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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Masahiro Nakano

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36738

7590

07/02/2008

ROGITZ & ASSOCIATES  
750 B STREET  
SUITE 3120  
SAN DIEGO, CA 92101

EXAMINER

HOSSAIN, FARZANA E

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/839,000	<b>Applicant(s)</b> NAKANO ET AL.	
	<b>Examiner</b> FARZANA E. HOSSAIN	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed 03/24/2008.  
Claim 1 is previously presented. Claims 3-6 have been previously presented. Claims 2 and 7-22 are cancelled. Claims 23-28 are new.

### ***Response to Arguments***

2. Applicant's arguments filed 03/24/2008 have been fully considered but they are not persuasive.

Regarding Claim 1, the applicant argues that Blackketter discloses only script triggers in the VBI (Page 6).

In response to the argument, the examiner respectfully disagrees. Blackketter discloses wherein the ITV receives content of the virtual channels or Internet URLs and portion of web page via script in the VBI of a TV (Page 4, paragraph 0048, Page 3, paragraph 0034, 0035).

3. Regarding Claim 23, the applicant argues the prior art does not teach a guide.

In response to the argument, the microprocessor displays an electronic channel guide (Column 4, lines 23-48, Figure 1, 132). Nobakht fails to disclose wherein that the

virtual channels being listed at the end of the guide after TV channels. See new rejection.

4. Regarding Claim 26, the applicant argues the prior art does not teach mixing of TV channel with a Web based content of a virtual channel.

In response to the argument, Blackketter discloses the mixer mixes a Web-based signal from the modem with related signals from the tuner such that the Web based content of a virtual channel is combined with an actual broadcast newscast from a TV station associated with the Web-based content for simultaneous display of thereof or the receiver broadcasts the broadcast video and the virtual channel simultaneously as the processor executes instructions to display video and web page displayed on the TV (Figure 4, 424, 422, Figure 3, 310, 300, Page 3, paragraph 0035, Pages 1-2, paragraphs 0014-0016, Page 5, paragraph 0066). Blackketter discloses the user can view two channels: a web page and a television program (Page 3, paragraph 0043).

### ***Claim Objections***

5. Claims 26-28 are objected to because of the following informalities: Claim recites “a modem communicating with *the* microprocessor; *a microprocessor* associated with the tuner.” The examiner assumes the first limitation is actually the second limitation and should be corrected as --a microprocessor associated with the tuner; a modem communicating with the microprocessor--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Blackketter et al (US 2005/0172331 and hereafter referred to as “Blackketter”).

Regarding Claim 26, Blackketter discloses an ITV comprising (Figure 2, Figure 3) comprising:

- a television tuner (Figure 3, 345);
- a microprocessor associated with the tuner (Figure 3, 300, 310);
- a modem communicating with the microprocessor (Figure 1, 310, 300, 340, 342);
- a mixer (Figure 3, 310);
- a user input device communicating the microprocessor (Figure 2, 220, 335, 310, 300);
- a memory system communicating with the microprocessor, the memory system storing virtual channels (Page 3, paragraph 0034, Figure 3, 350, 355, 360); and

a computer communication device connected to the microprocessor and to a computer network (Figure 3, 340, 342, Page 1, paragraph 0014),

Wherein the mixer mixes a Web-based signal from the modem with related signals from the tuner such that the Web based content of a virtual channel is combined with an actual broadcast newscast from a TV station associated with the Web-based content for simultaneous display of thereof or the receiver broadcasts the broadcast video and the virtual channel simultaneously as the processor executes instructions to display video and web page (Figure 4, 424, 422, Figure 3, 310, 300, Page 3, paragraph 0035, Pages 1-2, paragraphs 0014-0016, Page 5, paragraph 0066).

Regarding Claim 27, Blacketter discloses all the limitations of Claim 27. Blacketter discloses wherein the microprocessor is in a TV housing or in a set top box separate from the housing (Figure 2, 200, Figure 3, 200).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht et al (US 6,745,223) in view of Blacketter.

Regarding Claim 1, Nobakht teaches an interactive television (ITV), comprising: a housing (Figure 1, lines around Television (TV) 132, Column 4, lines 23-47); a television tuner in the housing (TVs inherently have tuners in the housing); a microprocessor associated with the tuner (Figure 2, 210, Column 4 lines 48-67, Column 5 lines 5-62); a user input device communicating with the microprocessor (Figure 2, 202, Column 4, lines 48-67, Column 5, lines 5-62); a memory system communicating with the microprocessor (Figure 2, 219 and Column 4, lines 48-67, Column 5, lines 5-62), the memory system storing user data and virtual channels, the user data being at least partially based on signals received from the user input device (Column 5 lines 63-67, Column 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (Figure 2, 217, Column 4, lines 48-67, Column 5 lines 5-62), the virtual channels in the memory system being updated in accordance with data received from the communication device, the virtual channels being established at least partially based on the user data (Figure 8, Column 14, lines 11-67, Column 15 lines 1-67, Column 16, lines 1-6). Nobakht fails to disclose wherein the ITV receives content of the virtual channels in the vertical blanking interval (VBI) of a TV.

Blackketter discloses wherein the ITV receives content of the virtual channels or Internet URLs and portion of web page via script in the VBI of a TV (Page 4, paragraph 0048, Page 3, paragraph 0034, 0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht to include the ITV receives content of the virtual channels or Internet URLs and portion of web

page via script in the VBI of a TV (Page 4, paragraph 0048, Page 3, paragraph 0034, 0035) as taught by Blackketter in order to require less bandwidth than updating an entire page (Page 3, paragraph 0035, Page 4, paragraph 0048) as disclosed by Blackketter.

Regarding Claim 3, Nobakht and Blackketter discloses all the limitations of Claim

1. Nobakht disclose wherein the virtual channels are Web pages (Column 5 lines 63-67, Column 6 lines 1-28).

Regarding Claim 4, Nobakht and Blackketter discloses all the limitations of Claim

1. Nobakht discloses that the microprocessor is in the housing or in a set-top box separate from the housing (Figure 2 CPU 210 and Column 4 lines 48-67, Column 5 lines 5-62 Microprocessor 210 is in a set-top box). The USPTO considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Regarding claim 6, Nobakht and Blackketter discloses all the limitations of Claim

1. Nobakht discloses the ITV further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (Column 16 lines 7-26).

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view Blackketter as applied to claim 4, further in view of Norsworthy et al (US 6,144,402 and hereafter referred to as "Norsworthy").



Regarding Claim 5, Nobakht and Blackketter discloses all the limitations of Claim 4. Nobakht teaches a data bus connected to the microprocessor and memory (Figure 2 and Column 5 lines 5-62). Nobakht teaches a data bus connected to the microprocessor and memory (Figure 2 and Column 5 lines 5-62), the microprocessor correlating channel numbers with virtual channels (Figure 2, 202, Column 4, lines 23-41, Column 16, lines 6-25). Nobakht and Blackketter are silent on a data bus communicating with the microprocessor, memory system, and TV tuner. Norsworthy discloses data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art (Figure 2, Bus 205 and Column 7 lines 18-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination so that there was a data bus communicating with the microprocessor, memory system, and TV tuner (Figure 2, Bus 205 and Column 7 lines 18-50) as taught Norsworthy, to have basic components interconnected (See Norsworthy Column 7 lines 34-40).

11. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht et al (US 6,745,223) in view of Wugofski et al (US 7,152,236 and hereafter referred to as "Wugofski").

Regarding Claim 23, Nobakht teaches an interactive television (ITV), comprising: a housing (Figure 1, lines around Television (TV) 132, Column 4, lines 23-47); a television tuner in the housing (TVs inherently have tuners in the housing); a microprocessor associated with the tuner (Figure 2, 210, Column 4 lines 48-67,

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Column 5 lines 5-62); a user input device communicating with the microprocessor (Figure 2, 202, Column 4, lines 48-67, Column 5, lines 5-62); a memory system communicating with the microprocessor (Figure 2, 219 and Column 4, lines 48-67, Column 5, lines 5-62), the memory system storing virtual channels (Column 5 lines 63-67, Column 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (Figure 2, 217, Column 4, lines 48-67, Column 5 lines 5-62), the microprocessor displays an electronic channel guide (Column 4, lines 23-48, Figure 1, 132). Nobakht fails to disclose wherein that the virtual channels being listed at the end of the guide after TV channels.

Wugofski discloses that the virtual channels being listed at the end of the guide after TV channels (Column 6, lines 45-57). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Nobakht to include virtual channels being listed at the end of the guide after TV channels (Column 6, lines 45-57) as taught by Wugofski in order to display TV and internet or virtual channels in one channel list (Column 6, lines 55-57) as disclosed by Wugofski to provide an aesthetically pleasing and convenient display.

Regarding Claim 24, Nobakht and Wugofski disclose all the limitations of Claim 23. Nobakht discloses that the microprocessor is in the housing or in a set-top box separate from the housing (Figure 2 CPU 210 and Column 4 lines 48-67, Column 5 lines 5-62 Microprocessor 210 is in a set-top box).

12. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Nobakht in view Wugofski as applied to claim 23, further in view of Norsworthy et al (US 6,144,402 and hereafter referred to as "Norsworthy").

Regarding Claim 25, Nobakht and Blackketter discloses all the limitations of Claim 23. Nobakht teaches a data bus connected to the microprocessor and memory (Figure 2 and Column 5 lines 5-62), the microprocessor correlating channel numbers with virtual channels (Figure 2, 202, Column 4, lines 23-41, Column 16, lines 6-25). Nobakht and Wugofski are silent on a data bus communicating with the microprocessor, memory system, and TV tuner. Nobakht teaches a data bus connected to the microprocessor and memory (Figure 2 and Column 5 lines 5-62), the microprocessor correlating channel numbers with virtual channels (Figure 2, 202, Column 4, lines 23-41, Column 16, lines 6-25). Norsworthy discloses data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art (Figure 2, Bus 205 and Column 7 lines 18-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination so that there was a data bus communicating with the microprocessor, memory system, and TV tuner (Figure 2, Bus 205 and Column 7 lines 18-50) as taught Norsworthy, to have basic components interconnected (See Norsworthy Column 7 lines 34-40).

13. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackketter in view of Nobakht and Norsworthy.

Regarding Claim 28, Blackketter discloses all the limitations of Claim 26. Blackketter is silent on a data bus communicating with the microprocessor, memory

system, and TV tuner, the microprocessor correlating channel numbers with virtual channels. Nobakht teaches a data bus connected to the microprocessor and memory (Figure 2 and Column 5 lines 5-62), the microprocessor correlating channel numbers with virtual channels (Figure 2, 202, Column 4, lines 23-41, Column 16, lines 6-25). Norsworthy discloses data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art (Figure 2, Bus 205 and Column 7 lines 18-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Blackketter to include a data bus connected to the microprocessor and memory (Figure 2 and Column 5 lines 5-62), the microprocessor correlating channel numbers with virtual channels (Figure 2, 202, Column 4, lines 23-41, Column 16, lines 6-25) as taught by Nobakht in order to for guest users to access personal channel table information at remote locations (Column 1, lines 58-65, Column 2, lines 57-65). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination so that there was a data bus communicating with the microprocessor, memory system, and TV tuner (Figure 2, Bus 205 and Column 7 lines 18-50) as taught Norsworthy, to have basic components interconnected (See Norsworthy Column 7 lines 34-40).

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

FEH  
June 26, 2008